

Introduced by Senator Leno

February 19, 2010

An act to add Section 7127 to the Business and Professions Code, and to amend Section 830.3 of the Penal Code, relating to contractors.

LEGISLATIVE COUNSEL'S DIGEST

SB 1254, as introduced, Leno. Contractors: workers' compensation insurance coverage.

Existing law requires private employers to secure the payment of compensation by obtaining and maintaining workers' compensation insurance or to self-insure as an individual employer or as one employer in a group of employers. The Contractors' State License Law requires every licensed contractor to have on file at all times with the Contractors' State License Board a current and valid Certificate of Workers' Compensation Insurance or Certification of Self-Insurance, or a statement certifying that he or she has no employees and is not required to obtain or maintain workers' compensation insurance coverage.

This bill would authorize the registrar of contractors to issue a stop order to any unlicensed contractor who has failed to secure workers' compensation insurance coverage for his or her employees. The bill would make a failure to comply with the stop order a crime, thereby imposing a state-mandated local program.

Existing law authorizes the Director of Consumer Affairs to designate 3 persons as peace officers to be assigned to the special investigations unit of the board.

This bill would authorize the director to designate 12 persons as peace officers for assignment to the special investigations unit of the board.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 7127 is added to the Business and
2 Professions Code, to read:

3 7127. If an unlicensed contractor has failed to secure the
4 payment of compensation as required by Section 3700 of the Labor
5 Code, the registrar may, in addition to any other administrative
6 remedy, issue and serve on that person a stop order prohibiting the
7 use of employee labor. Failure of any employer, officer, or any
8 person having direction, management, or control of any place of
9 employment or of employees to observe a stop order issued and
10 served upon him or her pursuant to this section is a misdemeanor
11 punishable by imprisonment in the county jail not exceeding 60
12 days or by a fine not exceeding ten thousand dollars (\$10,000), or
13 both.

14 SEC. 2. Section 830.3 of the Penal Code is amended to read:

15 830.3. The following persons are peace officers whose authority
16 extends to any place in the state for the purpose of performing
17 their primary duty or when making an arrest pursuant to Section
18 836 of the Penal Code as to any public offense with respect to
19 which there is immediate danger to person or property, or of the
20 escape of the perpetrator of that offense, or pursuant to Section
21 8597 or 8598 of the Government Code. These peace officers may
22 carry firearms only if authorized and under those terms and
23 conditions as specified by their employing agencies:

24 (a) Persons employed by the Division of Investigation of the
25 Department of Consumer Affairs and investigators of the Medical
26 Board of California and the Board of Dental Examiners, who are
27 designated by the Director of Consumer Affairs, provided that the
28 primary duty of these peace officers shall be the enforcement of
29 the law as that duty is set forth in Section 160 of the Business and
30 Professions Code.

1 (b) Voluntary fire wardens designated by the Director of
2 Forestry and Fire Protection pursuant to Section 4156 of the Public
3 Resources Code, provided that the primary duty of these peace
4 officers shall be the enforcement of the law as that duty is set forth
5 in Section 4156 of that code.

6 (c) Employees of the Department of Motor Vehicles designated
7 in Section 1655 of the Vehicle Code, provided that the primary
8 duty of these peace officers shall be the enforcement of the law as
9 that duty is set forth in Section 1655 of that code.

10 (d) Investigators of the California Horse Racing Board
11 designated by the board, provided that the primary duty of these
12 peace officers shall be the enforcement of Chapter 4 (commencing
13 with Section 19400) of Division 8 of the Business and Professions
14 Code and Chapter 10 (commencing with Section 330) of Title 9
15 of Part 1 of this code.

16 (e) The State Fire Marshal and assistant or deputy state fire
17 marshals appointed pursuant to Section 13103 of the Health and
18 Safety Code, provided that the primary duty of these peace officers
19 shall be the enforcement of the law as that duty is set forth in
20 Section 13104 of that code.

21 (f) Inspectors of the food and drug section designated by the
22 chief pursuant to subdivision (a) of Section 106500 of the Health
23 and Safety Code, provided that the primary duty of these peace
24 officers shall be the enforcement of the law as that duty is set forth
25 in Section 106500 of that code.

26 (g) All investigators of the Division of Labor Standards
27 Enforcement designated by the Labor Commissioner, provided
28 that the primary duty of these peace officers shall be the
29 enforcement of the law as prescribed in Section 95 of the Labor
30 Code.

31 (h) All investigators of the State Departments of Health Care
32 Services, Public Health, Social Services, Mental Health, and
33 Alcohol and Drug Programs, the Department of Toxic Substances
34 Control, the Office of Statewide Health Planning and Development,
35 and the Public Employees' Retirement System, provided that the
36 primary duty of these peace officers shall be the enforcement of
37 the law relating to the duties of his or her department or office.
38 Notwithstanding any other provision of law, investigators of the
39 Public Employees' Retirement System shall not carry firearms.

1 (i) The Chief of the Bureau of Fraudulent Claims of the
2 Department of Insurance and those investigators designated by the
3 chief, provided that the primary duty of those investigators shall
4 be the enforcement of Section 550.

5 (j) Employees of the Department of Housing and Community
6 Development designated under Section 18023 of the Health and
7 Safety Code, provided that the primary duty of these peace officers
8 shall be the enforcement of the law as that duty is set forth in
9 Section 18023 of that code.

10 (k) Investigators of the office of the Controller, provided that
11 the primary duty of these investigators shall be the enforcement
12 of the law relating to the duties of that office. Notwithstanding any
13 other law, except as authorized by the Controller, the peace officers
14 designated pursuant to this subdivision shall not carry firearms.

15 (l) Investigators of the Department of Corporations designated
16 by the Commissioner of Corporations, provided that the primary
17 duty of these investigators shall be the enforcement of the
18 provisions of law administered by the Department of Corporations.
19 Notwithstanding any other provision of law, the peace officers
20 designated pursuant to this subdivision shall not carry firearms.

21 (m) Persons employed by the Contractors' State License Board
22 designated by the Director of Consumer Affairs pursuant to Section
23 7011.5 of the Business and Professions Code, provided that the
24 primary duty of these persons shall be the enforcement of the law
25 as that duty is set forth in Section 7011.5, and in Chapter 9
26 (commencing with Section 7000) of Division 3, of that code. The
27 Director of Consumer Affairs may designate as peace officers not
28 more than ~~three~~ 12 persons who shall at the time of their
29 designation be assigned to the special investigations unit of the
30 board. Notwithstanding any other provision of law, the persons
31 designated pursuant to this subdivision shall not carry firearms.

32 (n) The Chief and coordinators of the Law Enforcement Division
33 of the Office of Emergency Services.

34 (o) Investigators of the office of the Secretary of State designated
35 by the Secretary of State, provided that the primary duty of these
36 peace officers shall be the enforcement of the law as prescribed
37 in Chapter 3 (commencing with Section 8200) of Division 1 of
38 Title 2 of, and Section 12172.5 of, the Government Code.
39 Notwithstanding any other provision of law, the peace officers
40 designated pursuant to this subdivision shall not carry firearms.

1 (p) The Deputy Director for Security designated by Section
2 8880.38 of the Government Code, and all lottery security personnel
3 assigned to the California State Lottery and designated by the
4 director, provided that the primary duty of any of those peace
5 officers shall be the enforcement of the laws related to assuring
6 the integrity, honesty, and fairness of the operation and
7 administration of the California State Lottery.

8 (q) Investigators employed by the Investigation Division of the
9 Employment Development Department designated by the director
10 of the department, provided that the primary duty of those peace
11 officers shall be the enforcement of the law as that duty is set forth
12 in Section 317 of the Unemployment Insurance Code.

13 Notwithstanding any other provision of law, the peace officers
14 designated pursuant to this subdivision shall not carry firearms.

15 (r) The chief and assistant chief of museum security and safety
16 of the California Science Center, as designated by the executive
17 director pursuant to Section 4108 of the Food and Agricultural
18 Code, provided that the primary duty of those peace officers shall
19 be the enforcement of the law as that duty is set forth in Section
20 4108 of the Food and Agricultural Code.

21 (s) Employees of the Franchise Tax Board designated by the
22 board, provided that the primary duty of these peace officers shall
23 be the enforcement of the law as set forth in Chapter 9
24 (commencing with Section 19701) of Part 10.2 of Division 2 of
25 the Revenue and Taxation Code.

26 (t) Notwithstanding any other provision of this section, a peace
27 officer authorized by this section shall not be authorized to carry
28 firearms by his or her employing agency until that agency has
29 adopted a policy on the use of deadly force by those peace officers,
30 and until those peace officers have been instructed in the employing
31 agency's policy on the use of deadly force.

32 Every peace officer authorized pursuant to this section to carry
33 firearms by his or her employing agency shall qualify in the use
34 of the firearms at least every six months.

35 (u) Investigators of the Department of Managed Health Care
36 designated by the Director of the Department of Managed Health
37 Care, provided that the primary duty of these investigators shall
38 be the enforcement of the provisions of laws administered by the
39 Director of the Department of Managed Health Care.

1 Notwithstanding any other provision of law, the peace officers
2 designated pursuant to this subdivision shall not carry firearms.

3 (v) The Chief, Deputy Chief, supervising investigators, and
4 investigators of the Office of Protective Services of the State
5 Department of Developmental Services, provided that the primary
6 duty of each of those persons shall be the enforcement of the law
7 relating to the duties of his or her department or office.

8 SEC. 3. No reimbursement is required by this act pursuant to
9 Section 6 of Article XIII B of the California Constitution because
10 the only costs that may be incurred by a local agency or school
11 district will be incurred because this act creates a new crime or
12 infraction, eliminates a crime or infraction, or changes the penalty
13 for a crime or infraction, within the meaning of Section 17556 of
14 the Government Code, or changes the definition of a crime within
15 the meaning of Section 6 of Article XIII B of the California
16 Constitution.